

1 ATKINSON, ANDELSON, LOYA, RUUD & ROMO  
2 A Professional Corporation  
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10 Attorneys for Defendants RANDY THOMPSON PAINTING, INC.  
11 and RANDY RAY THOMPSON

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17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
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20 SAN FRANCISCO DIVISION

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22 BAY AREA PAINTERS AND TAPERS  
23 PENSION FUND, BAY AREA PAINTERS  
24 AND TAPERS HEALTH FUND, BAY AREA  
25 PAINTERS AND TAPERS JOINT  
APPRENTICESHIP TRAINING FUNDS,  
AND THEIR JOINT BOARDS OF  
TRUSTEES; LES PROTEAU AND  
CHARLES DEL MONTE, as Trustees; and  
DISTRICT COUNSEL 16 OF THE  
INTERNATIONAL UNION OF PAINTERS  
AND ALLIED TRADES,

CASE NO.: C-07-4703 EDL

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28 DECLARATION OF DAVID A.  
SOLDANI IN SUPPORT OF SECOND  
REQUEST TO APPEAR  
BY TELEPHONE AT CASE  
MANAGEMENT CONFERENCE

29  
30 Plaintiffs,

31  
32 vs.  
33  
34 DATE: January 17, 2008  
35 TIME: 11:00 a.m.  
36 DEPT: 9  
37 JUDGE: Hon. William Alsup

38 RANDY THOMPSON PAINTING, INC., a  
39 California corporation, and RANDY RAY  
40 THOMPSON, an individual,

41  
42 Defendants.

43  
44 I, David A. Soldani, declare:

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46 1. I am an attorney at law, licensed to practice before all the Courts in the State of  
47 California, and am associated with in the law firm of Atkinson, Andelson, Loya, Ruud & Romo,

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1 attorneys for Defendants RANDY THOMPSON PAINTING, INC. and RANDY THOMPSON  
 2 ("Defendants").

3 . 2. This declaration is based on my own personal knowledge and, if called upon, I  
 4 could and would competently testify as to the truth of these facts.

5 . 3. I make this declaration in support of Defendants' Second Request to Appear  
 6 Telephonically at the Case Management Conference now scheduled before Honorable William  
 7 Alsup on January 17, 2008 at 11:00 a.m. in Department 9 of this court.

8 . 4. Good cause exists for a telephonic appearance for the following reasons:

9 . (a) My office is located in Fresno, California; therefore, the travel expenses  
 10 and attorney's fees Defendants would incur as a result of my personal appearance at the Case  
 11 Management Conference would create an undue hardship for Defendants; and

12 . (b) The amount of attorney's fees Defendants would incur by my personal  
 13 appearance would constitute a significant percentage of the total amount in controversy in this  
 14 matter.

15 . 5. I have made many telephonic appearances at case management conferences both in  
 16 federal and state courts throughout the State of California and have never, as a result of such  
 17 telephonic appearances, been unable to meaningfully and effectively participate in such  
 18 conferences.

19 . 6. In addition, I have other matters requiring my personal attendance locally,  
 20 commencing at 2:00 p.m. on the same day as the Case Management Conference and, given the  
 21 distance, I would run the risk of missing those commitments or arriving late.

22 . 7. The interests of justice will not be thwarted by my appearing telephonically at this  
 23 Case Management Conference.

24 . 8. The parties in this matter continue to work toward resolving this matter without  
 25 the intervention of the court at this time.

26 . / / /

27 . / / /

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct and that this declaration was executed on January 9, 2008, at Fresno,  
3 California.

4  
5 \_\_\_\_\_/s/  
6 David A. Soldani  
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AIRNINN, AIRTEL, AIRTEL, LTD., LTD. & LTD.

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FACSIMILE: (559) 225-3416

## **PROOF OF SERVICE**

My business address is 555 West Shaw Avenue, Post Office Box 5394, Fresno, California 93755. I am employed in Fresno County, California. I am over the age of 18 years and am not a party to this case.

On the date indicated below, I served the foregoing document(s) described as  
**DECLARATION OF DAVID A SOLDANI IN SUPPORT OF SECOND REQUEST TO  
APPEAR BY TELEPHONE AT CASE MANAGEMENT CONFERENCE** on all interested  
parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Muriel B. Kaplin, Esq. Fax No.: (415) 882-9287

Michele R. Stafford, Esq.

SALTZMAN & JOHNSON LAW CORPORATION

120 Howard Street, Suite 520

110 Howard Street, Suite 515  
San Francisco, California 94105

Fax No.: (415) 882-9287

(BY MAIL) I am readily familiar with the business' practice for collection and processing of correspondence for mailing, and that correspondence, with postage thereon fully prepaid, will be deposited with the United States Postal Service on the date noted below in the ordinary course of business, at Fresno, California.

(BY PERSONAL SERVICE) I caused delivery of such envelope(s), by hand, to the office(s) of the addressee(s).

(BY ELECTRONIC MAIL) I caused such documents to be scanned into PDF format and sent via electronic mail to the electronic mail addressee(s) of the addressee(s) designated.

(BY FACSIMILE) I caused the above-referenced document to be delivered by facsimile to the facsimile number(s) of the addressee(s).

(BY OVERNIGHT MAIL) I caused the above-referenced envelope(s) to be delivered to an overnight courier service for delivery to the addressee(s).

EXECUTED ON January 7, 2008, at Fresno, California.

(STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(FEDERAL) I declare that I am employed in this office of a member of the bar of this court at whose direction this service was made.

/s/

L. Lynne King